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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,374	12/11/2000	Dennis T. Lai	TITAN-55664	3933

7590 07/28/2004

FULWIDER PATTON LEE & UTECHT, LLP  
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6060 Center Drive, Tenth Floor  
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EXAMINER

WARE, CICELY Q

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 07/28/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/735,374

Applicant(s)

LAI ET AL.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10, 12-25, 27 and 29-35 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

- a. In Claims 3 and 4 applicant makes reference to an "additional preamble" and a "further preamble". Examiner is unable to find any reference or distinguishing support for the limitation "additional preamble" and "further preamble" as referenced in applicants claims 3 and 4. Therefore claims 3 and 4 have not been further treated on the merits.

3. Claim 5, 11, 26 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. In claims 5 and 11 applicant makes reference to a "higher layer network". Examiner admits that applicant has made mention to a "higher layer network" on Pg. 10, lines 6-14 of the disclosure. However applicant does not provide a sufficient description of this "higher layer network" in order to convey its relationship to the invention. Therefore, Claims 5 and 11 have not been further treated on the merits.

Examiner suggests applicant make mention as to what environment the invention pertains to.

b. Claims 26 and 28, applicant makes reference to a "first higher layer network " and a "second higher layer network". Examiner is unable to find any reference or distinguishing support for the limitation "first higher layer network " and a "second higher layer network" as referenced in applicants claims 26 and 28. Therefore claims 26 and 28 have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2, are rejected under 35 U.S.C. 102(a) as being anticipated by Scott (US Patent 5,689,502)

(1) With regard to claim 1, Scott discloses in (Fig. 5a-c) a method of communicating between first and second stations, includes the steps of: providing at the first station a preamble including reverse link parameters individual to the first station and providing data after the preamble, transmitting the preamble and the data from the first station to the second station, receiving the preamble and the data at the second station and recovering the data at the second station, providing a preamble and data at the second station, providing a preamble and data at the second station the preamble at the second station including forward link parameters in accordance with the reverse link parameters received at the second station from the first station, and transmitting the preamble including the forward link parameters and the data from the second station to the first station (abstract, col. 1, lines 25-32, 50-60, col. 4, lines 61-67, col. 5, lines 1-18, col. 25, lines 37-43, 45-49).

(2) With regard to claim 2, claim 2 inherits all the limitations of claim 1. Scott further discloses steps of receiving at the first station the preamble including the forward link parameters and the data from the second station and recovering the data at the first

station in accordance with the forward link parameters in the preamble from the second station (col. 4, lines 61-67, col. 5, lines 1-18, col. 25, lines 37-43, 45-49).

### ***Allowable Subject Matter***

6. Claim 6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 7-10, 12-25, 27, 29-35 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a method of communicating between first and second stations. Prior art references show similar methods but fail to teach a first, second, third and fourth preamble with forward link parameters and reverse link parameters, a link adaptation controller and a second processor for processing data at the transmitter in accordance with the forward link parameters along with the remaining limitations of the independent claims.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers

Art Unit: 2634

for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Cicely Ware*

cqw  
July 12, 2004



STEPHEN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600